

Translation

PATENT COOPERATION TREATY

PCT/EP2003/004065



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 03 053	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/004065	International filing date (day/month/year) 17 April 2003 (17.04.2003)	Priority date (day/month/year) 19 April 2002 (19.04.2002)
International Patent Classification (IPC) or national classification and IPC B65B 9/13		
Applicant MSK-VERPACKUNGS-SYSTEME GESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 12 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 November 2003 (17.11.2003)	Date of completion of this report 03 September 2004 (03.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1, 2, 4, 5, 7-10, 14-19, as originally filed
pages _____, filed with the demand
pages 3, 3a, 6, 11-13, filed with the letter of 16 July 2004 (16.07.2004)
- ☒ the claims:
pages 1 (Part.), as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1 (Part.), 2-16, filed with the letter of 16 July 2004 (16.07.2004)
- ☒ the drawings:
pages 1-2, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☒ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See supplemental sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.3

Lack of unity of invention

Document EP-A-1 013 549 (D1) is considered the closest prior art in respect of the application as a whole. Said document discloses a device for wrapping packaged goods in elastic films, and an associated method. This prior art is reflected in claims 1-11, in particular in the securing devices for securing the sections of film. However, the following claims, claims 12-16, relate to a controlled reduction in film-stretching when the film hood is being drawn over the goods. The features clearly relate to two fields with no direct functional connection. Thus, in the light of the special technical features, the two groups of claims lack unity of invention (PCT Rule 13.1 and 13.2).

There are two inventions:

Invention I: a device and a method for wrapping piece goods or packaged goods using special securing devices as per claims 1-11;

Invention II: method for wrapping piece goods and packaged goods with a reduction in film-stretching during wrapping, as per claims 12-16.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9, 11, 13-16	YES
	Claims	10, 12	NO
Inventive step (IS)	Claims	1-9, 11, 13-16	YES
	Claims	10, 12	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

2. Citations and explanations

Invention I:

D1 is also the closest prior art in respect of invention I. The devices according to claims 1 and 2 for the wrapping of piece and packaged goods differ therefrom in that the securing devices have a special adhesion-enhancing surface. A soft surface coating is defined in claim 1; a surface with elevations and depressions is defined in claim 2. It appears that no similar design has been disclosed previously, at least in the field of stretch wrapping film. The requirements of PCT Article 33(2) and (3) are satisfied.

Dependent claims 3-9 contain developments of the aforementioned devices and, thus, likewise satisfy the requirements of PCT Article 33.

With regard to the method for wrapping piece or packaged goods according to claim 10, the applicant also acknowledges that the method steps according to the preamble are known from D1. The characterising part of said claim defines the securing of the stretch film, for which a securing device is positioned on the film before

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stretching and then removed after the film has started to be drawn over the packaged goods. In D1, the roller 16 is used to control the movement of the stretch film. As described in paragraph [0025], said roller 16 can carry out different functions. It acts as a securing device during stretching and then, subsequently, as a brake. Thus, the features in the characterising part of claim 10 are likewise anticipated in D1. In consequence, the requirements of PCT Article 33(2) are not satisfied.

The additional features of dependent claim 11 are not obvious from D1 or from any other available prior art.

Invention II:

The closest prior art in respect of invention II, as opposed to invention I, is the method according to document DE 90 01 319 U (D2) for drawing stretch film hoods over goods. As disclosed in the description (see page 9, paragraph 1 and page 10, paragraph 2, in conjunction with figures 4, 5 and 6), the stretch film hood is gathered on frames 11 before being stretched. The frames are then tilted. If the gathered sections of film gradually move towards the end of the frame 11 during wrapping, the stretching thereof is automatically reduced. As long as wrapping continues, the stretching force applied to the gathered film is continuously decreasing. Thus, taken as a whole, the wrapping method according to claim 12 appears to be anticipated. The requirements of PCT Article 33(2) are not satisfied.

According to the wrapping method of claim 13, stretching is reduced by stages. There is no precedent for this in

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the prior art. The requirements of PCT Article 33(2) and (3) are satisfied.

Dependent claims 14 and 15 contain developments of the method of claim 13 and thus likewise satisfy the requirements of PCT Article 33.

Dependent claim 16, which refers back to claim 12, defines additional features that are not obvious from the prior art.